

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
April 15, 2003

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01p.m., Tuesday, April 15, 2003, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Reverend John R. Moxley from Yorktown Baptist Church gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

HIGHWAY MATTERS

No report was given this evening.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Burgett introduced and welcomed the following newly appointed Boards and Commission members and presented them with Boards and Commissions Handbooks and York County pins:

Christopher Garrett
William R. Beechel

Stormwater Advisory Committee
Stormwater Advisory Committee

CLEAN BUSINESS AWARDS

Ms. Laurie Halperin, Beautification/Recycling Coordinator, Trudy White, member of the York County Beautification Committee, and Chairman Burgett, presented the Clean Business Awards for the 2nd Quarter of 2003 to representatives of the following York County businesses:

Upper County
Middle County
Lower County

Autozone
Grafton Office Supply
Charlton Mobility Center

ZWEIBRÜCKEN STUDENT EXCHANGE PROGRAM

Mr. Robert Oliver, York County School Division, introduced Mr. & Mrs. Joachim Posten, chaperons with the Zweibrücken delegation. They provided background on the Zweibrücken Exchange program and presented the Board with a book depicting Zweibrücken. Mr. Posten then introduced the students and asked them to come forward with their sponsors. The delegation consisted of:

<u>Exchange Student(s)</u>	<u>Sponsors</u>	<u>School</u>
Florian Knerr David Schowalter	Stephen Anderson	Grafton High School
Hanna Schuffert Kirstin Veith	Bryan Ashley	Tabb High School
Sina Seegmüller Katharina Heim	Kimberly Hale	York High School
Saskia Muller	Jennifer Harper	Tabb High School
Laura Osterreicher	Rebecca Ledebuhr	York High School
Andreas Kappl	Myneni Banu	York High School
Miriam Clearman	Amy Quigley	Grafton High School

ANNUAL VOLUNTEER REPORT AND OUTSTANDING VOLUNTEER AWARDS

Mr. Rick Smethurst, Recreation Supervisor, displayed a video presentation on the 2002 York County Volunteer Report. He noted the report included data on over 2,078 volunteers who provided York County with 105,988 hours of service. He stated the combined volunteer hours given, along with the monetary and in-kind donations, represented \$2,053,400.00. He then introduced the following individuals and groups as the recipients of the 2002 Outstanding Volunteer Awards, and Chairman Burgett presented them with engraved plates and certificates recognizing their accomplishments:

<u>Volunteer</u>	<u>Volunteer Position and Nominating Department</u>
Robby C. Evans	Volunteer Mentor York-Poquoson Department of Social Services
Terry Hanson	2002 Master Gardener Coordinator Virginia Cooperative Extension
Lucien Lafrenaye	Stormwater Advisory Committee Member Department of Environmental and Development Services
Alfred & Evelyn McKenney	Volunteer Educational Tutors Department of Community Services

Charles Meissner	Volunteer Mosquito Monitor Department of Environmental and Development Services
David W. Murray	D.A.R.E. Program Volunteer York County Sheriff's Department
Harold Murrow	Beautification Committee Member Department of Environmental and Development Services
Hayden A. Ross-Clunis, Jr.	Posthumous Award for Dedicated Volunteer Service Department of Fire and Life Safety
Sailors of the USS Dwight D. Eisenhower (CVN 69)	Volunteer Service for Head Start Program Department of Community Services
The Gallery at York Hall Volunteer Staff	Staffing New Exhibit Hall/Providing Tourist Information Department of Community Services

CITIZENS COMMENT PERIOD

Ms. Jeanette Carter, 819 Baptist Road, appeared before the Board and asked for its help with drainage problems on her property. She stated the neighbors on York Drive were putting debris and leaves in the ditches that subsequently become stopped up.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett had no report to make at this time.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds announced that the Skate, Rattle and Roll program, sponsored by the Department of Parks and Recreation, had been temporarily suspended but would recommence in the fall. He stated that the Board's Regular meeting would be on May 6 which will be preceded by a reception for the Outstanding Youth Awards.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll stated that she enjoyed the opening ceremonies of the York County Little League-Softball League, which is a league made up of one hundred ladies. She reported on the Volunteer Appreciation Picnic, and a dinner with the Yorktown Trustees. She thanked the Trustees for its many years of service to the County. She toured the renovations of Bruton High School, attended the opening of Harbor Bank, and the groundbreaking of the First Advantage Credit Union. She also attended a welcoming function at the Jefferson Lab for Jim Turi, the Department of Energy site manager. Mrs. Noll reminded citizens that the real estate tax rates have remained the same for several years, but that every two years properties are reassessed. She then shared her concerns for the older citizens being unable to afford the taxes, and the Board has now directed the staff to research options available. A work session will be held in the fall to discuss those options.

Mr. Wiggins read an e-mail from a Boy Scout who had written him as part of his Citizenship Merit Badge requirement. The e-mail discussed the drainage problems within the County and the potential for flooding. Mr. Wiggins explained that VDOT owned most of the ditches in the County, and that it was not the County's responsibility to clean the ditches. The Scout suggested that citizens not rake their leaves into the ditches. Mr. Wiggins then explained some of the drainage problems within the County including that the County is at sea level, thereby making water harder to drain at the same level. He talked about the Drainage Committee and identified some of the major drainage problems in the County. He stated that Newport News and Hampton had stormwater run-off fees that are expensive, and he explained there may be a time when a fee has to be imposed. He encouraged potential homebuyers to find out the financial responsibilities for stormwater run-off fees if their community has a homeowner's association.

Mr. Shepperd reminded the citizens of his District Five Town Meeting on April 28 at the Tabb Elementary School gymnasium at 7:00 p.m. The meeting will include topics on drainage issues, mosquitoes, roads, sewers, budgets, and the Moore's Creek project. He reminded the citizens if they wanted to vote they would need to be registered; a primary will be held in June and registration must occur before May 12. Registration must also occur by October 6 for the general election on November 4, 2003.

Mr. Zaremba referred to how well the citizens of the County are being informed and how the County relays information to its citizens. He stated that York County does all it possibly can to keep everyone informed. He pointed out that work sessions are now televised; the School Board meetings are televised; a quarterly newsletter is sent out; and town meetings are held from time to time. He reported on a recent meeting regarding the Creekside Development behind Queens Lake Middle School where the subject was safety along West Queen's Drive. He announced that a Town Meeting would be held in the Lightfoot Road area soon to discuss such matters as the relocation of Williamsburg Community Hospital. The meeting will also include the progress of construction underneath Interstate 64 to bring the much needed sewer to the Skimino Hills area, and to upgrade to the water system in the Skimino Hills and Banbury Cross areas. He reminded everyone that they have the responsibility to become involved and remain informed.

Meeting Recessed: At 7:57 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened: At 8:06 p.m. the meeting was reconvened in open session by order of the Chair

PUBLIC HEARINGS

APPLICATION NO. ZM-73-03, DAVID G. STEPHENS, ET UX; THOMAS S. OMIECINSKI, ET UX; S. D. ASHE LANDSCAPING; MDC; NORMAN G. PATTON, ET UX; ERLINDA B. JOHNSON; AND GRAFTON CHRISTIAN CHURCH

Mr. J. Mark Carter, Planning and Zoning Manager, made a presentation on Application No. ZM-73-03 to reclassify seven parcels on the westside of Grafton Drive in the southwest quadrant of the intersection of Grafton Drive and Falling Spring Run from Limited Business to Conditional General Business, subject to conditions voluntarily proffered by the property owners. The Planning Commission considered the application and forwarded it to the Board of

Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 03-12.

Mrs. Noll asked about one of the buildings being made an historic site at one time.

Mr. Carter stated that was not part of the area.

Mr. Wiggins questioned the school's opposition in relation to the safety of the school children.

Mr. Carter elaborated on the safety of children walking along Amory Lane and the increase in traffic that may be associated with a General Business zoning. He explained there would be some additional traffic, but not so much that it would overburden Grafton Drive or Amory Lane; the peak hours of commercial uses are not the same as peak hours of school.

Mr. Wiggins asked which businesses were active out the seven-parcel tract.

Mr. Carter stated none were active.

Mr. Shepperd asked the total acreage of the property and, if it were zoned general business, would he anticipate a requirement for a BMP once development occurred.

Mr. Carter stated there was a regional BMP behind Grafton High/Middle School. He did not know if there was sufficient capacity from a quantity or quality standpoint, and stated that stormwater management would be an element of review since the property was in the watershed protection overlay district. He further explained that stormwater management would be an element in any review, and that the BMP was on the Newport News watershed property. The school was given permission to direct its drainage into that BMP as part of the development process.

Mr. Shepperd questioned the School Board's consensus that there was a problem with the traffic. He asked if there was any data on traffic that would show a difference between limited business and general business.

Mr. Carter stated that was the extent of the comment that had been received.

Mr. Shepperd asked if the development was out of character with any other activity similar to this in the County.

Mr. Carter explained that many of the existing townhouse developments are behind the general business area.

Chairman Burgett pointed out that applicants could not proffer public uses of their property and asked Mr. Carter to remind applicants of that in the future.

Mr. Paul Garman, 109 Chisman Point Road, agent for the applicant, stated the purpose of this application was to create something that would make the business climate more attractive. He explained that the owner had attempted to market the property in the past and has proffered away what he felt was most intensive as far as uses goes. He stated that the area had been turned down twice for public sewer because of its low priority. He added that there would be a maximum of two to four businesses located there, and traffic would not be great. He advised that school buses do not use Grafton Drive in front of this site and that the master plan called for this area to be a business community.

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Mrs. Noll pointed out that since correctional facilities had been removed from the proffers, she asked that they substitute storage facilities in its place.

Mr. Garman elaborated on the size of the property and what sort of businesses would be suitable for the property.

Mr. Barnett explained that Mr. Garman was not legally in a position to offer a proffer or add any binding statement on proffers for the owners.

Mr. Wiggins asked if Mrs. Noll could make it a stipulation that the Board approves the application subject to that proffer.

Mr. Barnett stated that the property owners usually offer proffers voluntarily.

Mr. Carter stated that mini-warehouses would be allowed in the General Business district but only by use permit, not as a matter of right.

Chairman Burgett called to order a public hearing on Application ZM-73-03 which was duly advertised as required by law. Proposed Ordinance No. 03-12 is entitled:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP BY
RECLASSIFYING APPROXIMATELY 5.58 ACRES ON THE WEST
SIDE OF GRAFTON DRIVE (ROUTE 621) FROM LIMITED BUSINESS
TO GENERAL BUSINESS (CONDITIONAL) SUBJECT TO VOLUN-
TARILY PROFFERED CONDITIONS

Ms. Vonda Winkler, 103 Bucktail Run, appeared to speak against the application. She asked the Board not to support the rezoning to any kind of business zoning. She stated if the property hasn't sold after twelve years, changing it to general business would not make it more attractive. She mentioned the options available to the owner such as a land donation or single-family dwellings. She was concerned about children having to walk across driveways to get to school. She suggested that the County pave a sidewalk to the school complex if the application passed.

There being no one else present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Zaremba referred to the chart in the board material and asked about the number of uses for properties zoned for Limited Business (LB) and General Business (GB).

Mr. Carter stated the chart was not a complete listing of available uses.

Mr. Zaremba looked over the chart for mini-storage facilities and did not see them listed. He then asked about other businesses allowed on the property.

Discussion ensued on acceptable uses for the property.

Mr. Zaremba mentioned the School Board's email and stated the Board should have something a little more convincing stating its opposition to the proposal.

Mr. Shepperd mentioned the listing on the chart of a restaurant/brew pub, which indicated to him that alcohol would be a predominant product.

Further discussion ensued regarding use of the property.

Mrs. Noll stated she had reservations because the County had had its share of mini-storage facilities. She did not want to see this property frittered away because the Route 17 Corridor Master Plan was forward thinking in creating a mixed-use area, and this was the area that was taken into consideration and would give some identity to it. She stated she understood the speaker's opposition and appreciated those points. She stated this would be a wonderful opportunity if all these parcels could be put together, and that the other side of the street was general business.

Mr. Wiggins stated he did not see where rezoning the property would cause any more traffic problems, and he did not feel it would create more safety hazards for children.

Mr. Zaremba emphasized that the owners have proffered out the things that the County does not want adjacent to the schools, and that it was a good faith attempt on the part of the owners to clean up what the general business allowed in other areas. He stated he does not think changing the zoning from general business will prompt the sale of the land. He commended Ms. Winkler for being the sole spokesperson for the citizens in that area.

Mr. Shepperd then moved the adoption of proposed Ordinance No. 03-12 which reads:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP BY
RECLASSIFYING APPROXIMATELY 5.58 ACRES ON THE WEST
SIDE OF GRAFTON DRIVE (ROUTE 621) FROM LIMITED BUSINESS
TO GENERAL BUSINESS (CONDITIONAL) SUBJECT TO VOLUN-
TARILY PROFFERED CONDITIONS

WHEREAS, David G. Stephens et ux, Thomas S. Omiecinski et ux, S. D. Ashe Landscaping, MDC, Norman Patton, Erlinda B. Johnson, and Grafton Christian Church have submitted Application No. ZM-73-03, which seeks to amend the York County Zoning Map by reclassifying seven parcels on the west side of Grafton Drive (Route 621) in the southwest quadrant of the intersection of Grafton Drive and Falling Spring Run (Route 1070), further identified as Assessor's Parcel Nos. 29-6A (431 Grafton Drive), 29-7 (427 Grafton Drive), 29-8A (421 Grafton Drive), 29-9A (419 Grafton Drive), 29-9 (415 Grafton Drive), 29-10 (413 Grafton Drive), and 29-10A (409 Grafton Drive), from LB (Limited Business) to conditional GB (General Business), subject to conditions voluntarily proffered by the property owners; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

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NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of April, 2003, that Application No. ZM-73-03 be, and it hereby is, approved to amend the York County Zoning Map by reclassifying seven parcels on the west side of Grafton Drive (Route 621) in the southwest quadrant of the intersection of Grafton Drive and Falling Spring Run (Route 1070), further identified as Assessor's Parcel Nos. 29-6A (431 Grafton Drive), 29-7 (427 Grafton Drive), 29-8A (421 Grafton Drive), 29-9A (419 Grafton Drive), 29-9 (415 Grafton Drive), 29-10 (413 Grafton Drive), and 29-10A (409 Grafton Drive), from LB (Limited Business) to conditional GB (General Business), subject to the following conditions voluntarily proffered by the property owners:

1. A 25-foot green-space buffer shall be provided and maintained along the entire western boundaries of the properties except where precluded by existing structures such as parcel 311.
2. The following uses shall be prohibited:
 - ?? Auto fuel dispensing facilities
 - ?? Car wash
 - ?? Small engine repairs
 - ?? Boat sales
 - ?? Recycling plants
 - ?? Correctional facilities
 - ?? Golf driving ranges
 - ?? Tobacco stores
 - ?? ABC stores
 - ?? Auto or light truck sales, rental, service (including Motorcycles or RVs)

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
 Nay: (0)

MATTERS PRESENTED BY THE BOARD (continued)

Chairman Burgett stated he had attended the Volunteer Appreciation Picnic and met with many of the volunteers. He stated the Board had met with the Trustees, and he took part in the federal auditing of the Head Start Program in the County which had a good review. He mentioned the large rocks at Yorktown Beach and the safety concerns of children walking along the rocks, and he asked that a sign be erected directing people to stay off the rocks. He advised that the new machine to clean up the beach worked well and that the beach looked great as a result. He mentioned the Route 17 Revitalization Committee had many ideas to accomplish good things for Route 17. He thanked Mark Carter and John Hudgins for helping him solve some drainage related problems, and he commended Mr. Hicks from VDOT for all of his help and efforts since he has been on the job.

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 2, 3, 4, 5, 6, and 7, respectively.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett
 Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 2. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

March 18, 2003	Regular Meeting
March 20, 2003	Adjourned Meeting
March 26, 2003	Adjourned Meeting
March 27, 2003	Adjourned Meeting
April 1, 2003	Regular Meeting

Item No.3. PURCHASE AUTHORIZATION: Proposed Resolution No. R03-72.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
 TO EXECUTE AN AGREEMENT FOR AUDIT SERVICES

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of April, 2003, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	<u>AMOUNT</u>
Audit Services	\$51,125

Item No. 4. TAX REFUND: Resolution R03-71.

A RESOLUTION TO AUTHORIZE PAYMENT OF A REFUND OF
 BUSINESS LICENSE TAX TO HUDSON CONSTRUCTION COM-
 PANY

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

WHEREAS, Hudson Construction Company has made application to the Commissioner of the Revenue for a refund of a portion of the business license taxes paid in 2001, 2002 and 2003, due to an overstatement of its gross receipt for those years; and

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WHEREAS, the Request for Tax Refund has been approved and recommended by the Commissioner of the Revenue, the Treasurer, and the County Attorney.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of April, 2003, that the Treasurer is authorized to refund to Hudson Construction Company business license taxes in the amount of \$3,136.00, plus accrued interest in the amount of \$52.06, for a total refund of \$3,188.06.

Item No. 5. APPOINTMENT OF SPECIAL POLICE OFFICER: Resolution R03-70.

A RESOLUTION REQUESTING THE YORK COUNTY SHERIFF TO
APPLY TO THE YORK COUNTY CIRCUIT COURT FOR THE REAP-
POINTMENT OF GENE REXFORD HOGGE AS SPECIAL POLICE OF-
FICER

WHEREAS, Gene Rexford Hogge is presently employed as a Code Compliance Officer for York County, and at the request of the Board was appointed in 1997 by the Circuit Court as a Special Police Officer pursuant to section 15.2-1737 of the Code of Virginia, an appointment which expired automatically after four years; and

WHEREAS, the Board desires to request the York County Sheriff to apply to the Circuit Court to reappoint Gene Rexford Hogge as a Special Police Officer, in order to enable him to more effectively enforce the appropriate codes and ordinances of York County.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of April, 2003, that it does hereby request the York County Sheriff to make application to the Circuit Court pursuant to section 15.2-1737 of the Code of Virginia for the reappointment of Gene Rexford Hogge, for a period of four years or until termination of employment with York County, whichever shall first occur, without the requirement to carry a weapon while carrying out official duties, and without the requirement to wear a uniform, but without any prohibition on the wearing of any special clothing, such appointment to authorize him to carry on his person and present upon demand an identification card or other document identifying him as an employee of York County and also an attested copy of the court order as evidence of appointment as a Special Police Officer.

BE IT FURTHER RESOLVED that the Board hereby requests the Circuit Court to approve such application once received.

BE IT STILL FURTHER RESOLVED that the Clerk of this Board shall forward an attested copy of this Resolution to the Honorable Prentis Smiley, Judge of the Circuit Court of York County.

Item No. 6. OUTSTANDING YOUTH OF THE YEAR AWARDS: Resolutions R03-64, R03-65, 03-66 and R03-67.

Resolution R03-64:

A RESOLUTION TO COMMEND AND CONGRATULATE PIERCE
HAN ON HIS SELECTION AS THE 2003 YORK COUNTY OUT-
STANDING YOUTH OF THE YEAR FOR COMPASSION

WHEREAS, the York County Youth Commission and the Board of Supervisors established the Outstanding Youth of the Year Awards Program to recognize the accomplishments and achievements of York County's youth; and

WHEREAS, Pierce Han was nominated and has been chosen by the Selection Committee to receive the 2003 Outstanding Youth of the Year Award for Compassion; and

WHEREAS, Pierce Han typifies compassion in its truest sense, and is widely respected for his caring nature and sensitivity in relating to the feelings and needs of others; and

WHEREAS, this true concern for others was evidenced in Pierce's extensive volunteer work at the Gloucester-Mathews Free Clinic twice a week for several months last year as a tenth grader where he typically assisted the pharmacists in filling prescriptions and also served as a receptionist; and

WHEREAS, this compassion and desire to serve was constantly felt by the clinic's entire professional staff as Pierce would always arrive early, introduce himself to the volunteer doctors, nurses, and pharmacists on duty, enthusiastically volunteer to assist others in setting up, and provide excellent assistance to the pharmacists through his thorough knowledge of the pharmacy's overall organization and inventory; and

WHEREAS, Pierce's heart towards the clinic's patients was also clearly seen as he showed genuine interest in them, cheerfully greeting people at the pharmacy and expressing sincere concern for them, even calling the clinic after his work there had ended to ask how different patients were doing; and

WHEREAS, Pierce's actions at this school-required volunteer service earned him the respect and adulation of the clinic's leadership as its Board President, Ms. Ann Quinn, marveled over his dependability and the fact that he clearly "was not just there to make his hours," but instead, "really wanted to contribute" and "gave back a whole lot more than he got" from the experience; and

WHEREAS, Pierce's compassion has also been shown through his helpfulness to those younger and less experienced than himself, as evidenced by his thoughtfulness in assisting newer members of York High School's Debate Team and also in using his expertise as a black belt in Tae Kwon Do to encourage and help the younger students, leading his instructor, Master Ko, to remark that, Pierce is "very kind, gentle, and patient" and that "he volunteers to help others anyway he can;" and

WHEREAS, this young man's heart of compassion has also led him to assist those less fortunate than himself, as evidenced locally through his involvement as a student leader in a church outreach distributing needed items to underprivileged families, working with another program delivering donated furniture and clothes to those in need, serving food and talking with people in local shelters, and in traveling with others from his church to help those outside the peninsula, including teaching and playing with children in Mexico, leading a vacation Bible study group in Boston, and painting houses and helping to supervise children in day care in New Orleans; and

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WHEREAS, Pierce has consistently used his God given gifts in reaching out to people of all ages and circumstances with moral and physical support, and a concerned heart;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of April, 2003, that Pierce Han be, and he is hereby, commended and congratulated for being selected as York County's 2003 Outstanding Youth of the Year for Compassion.

BE IT FURTHER RESOLVED that Pierce be extended the best wishes of the Board of Supervisors as he continues to live a life of exemplary love and concern for others, and may he take great encouragement in knowing that all who come in contact with him truly appreciate his kind spirit, giving nature, and caring heart.

Resolution R03-65:

A RESOLUTION TO COMMEND AND CONGRATULATE TIM FALVEY
ON HIS SELECTION AS THE 2003 YORK COUNTY OUTSTANDING
YOUTH OF THE YEAR FOR COMMUNITY SERVICE

WHEREAS, the York County Youth Commission and the Board of Supervisors established the Outstanding Youth of the Year Awards Program to recognize the accomplishments and achievements of York County's youth; and

WHEREAS, Tim Falvey was nominated and has been chosen by the Selection Committee to receive the 2003 Outstanding Youth of the Year Award for Community Service; and

WHEREAS, Tim Falvey has demonstrated a genuine desire to serve others living in York County and beyond; and

WHEREAS, this is clearly evidenced at York High School where Tim is a busy senior, the Vice-President of the National Honor Society, a member of the Varsity Cross Country, Track, and Soccer teams, and a member of the Mu Alpha Theta Math Honor Society; and

WHEREAS, Tim's demanding coursework and many extracurricular school activities have not kept him from taking the time to lend help to others, as evidenced by his numerous volunteer projects with the National Honor Society where his advisor, Ms. Tina Manglicmot, marvels at the amount of time he devotes to service, citing his leadership in organizing a fundraiser at York High that brought in several hundred dollars in support of the Susan G. Komen Breast Cancer Fund, and in his current initiative in writing a proposal to Habitat for Humanity so that the Honor Society can sponsor another worthwhile project that would truly make a difference in the lives of others; and

WHEREAS, Tim's heart of service routinely *does* make a difference in the lives of others as demonstrated by the weekly hours he enthusiastically spends tutoring his peers at York High as well as elementary school students, causing Ms. Manglicmot to remark that he exceeds the required number of tutoring hours because he really cares about helping those who may be struggling; and

WHEREAS, Tim is also the President of York's chapter of the Fellowship of Christian Athletes, where he has volunteered at the two-day Peninsula All-Star Football Camp for at-risk youth, and has also spearheaded projects to visit the elderly, assist a local homeless shelter, and organized a door-to-door neighborhood canned food drive for the past two years in support of the York County Church Women's United Emergency Food Closet; and

WHEREAS, Tim has also volunteered time the past two summers with different organizations in support of local "Housing Partnerships" projects where he has helped paint the home of an elderly woman and also performed site work at a housing construction project; and

WHEREAS, Tim is also very active in his local Boy Scout Troop where he has achieved the rank of Eagle Scout and provides leadership and assistance to the younger members, instructing them and providing his usual energy in pursuit of various service projects and fundraisers for the troop; and

WHEREAS, Tim's service stems from his attitude and sincere desire to help others, earning him such accolades from his various sponsors and coaches as being "extremely dedicated," "always looking to help," "the first person to ask if there is anything that needs doing," a young man "who is not looking for praise," and, in the words of his nominator and teacher, Ms. Antonia Fox, "Everything he does is with a positive attitude...and never done as a resume builder but because it's the right thing to do;" and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of April, 2003, that Tim Falvey be, and he is hereby, commended and congratulated for being selected as York County's 2003 Outstanding Youth of the Year for Community Service.

BE IT FURTHER RESOLVED that Tim be extended the sincere appreciation of the Board of Supervisors for his giving spirit and commitment to volunteerism, as well as the Board's best wishes for a continued meaningful and rewarding life in giving of his time and talents to others.

Resolution R03-66:

A RESOLUTION TO COMMEND AND CONGRATULATE JASON
DRESS ON HIS SELECTION AS THE 2003 YORK COUNTY OUT-
STANDING YOUTH OF THE YEAR FOR OVERALL ACHIEVEMENT

WHEREAS, the York County Youth Commission and the Board of Supervisors established the Outstanding Youth of the Year Awards Program to recognize the accomplishments and achievements of York County's youth; and

WHEREAS, Jason Dress was nominated and has been chosen by the Selection Committee to receive the 2003 Outstanding Youth of the Year Award for Overall Achievement; and

WHEREAS, Jason Dress epitomizes excellence and outstanding achievement with his numerous accomplishments and superior performance in a wide variety of endeavors; and

WHEREAS, Jason's *academic* achievements are evidenced by his 4.2 grade point average in a demanding load of Honors Program coursework as a junior at Grafton High School, where he has also distinguished himself academically by his election into the National and Spanish Honor Societies, his recent nomination to the Mu Alpha Theta Math Honor Society, and in his placing second in biochemistry and physics, respectively, at the York County Science Fair; and

WHEREAS, Jason's *athletic* achievements are demonstrated by his participation on Grafton's Varsity Golf team where he was the school's top player and qualified this past fall for

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the Regional Golf Tournament, as well as by his participation on an area select soccer team and on Grafton's Junior Varsity Cross Country Team; and

WHEREAS, Jason's *leadership* achievements are shown by his earning the rank of Eagle Scout last year, an accomplishment attained by only about two percent of all young men who enter scouting nationally, by his training new scouts and serving as an important role model, and by his fellow scouts electing him to serve a six-month term as their Senior Patrol Leader, a position requiring him to plan and organize all meetings and activities under the advisement of his Scoutmaster; and

WHEREAS, Jason's numerous *service* achievements are evidenced by his participation in a number of school, scouting, and church related projects including Salvation Army bell ringing for charitable donations at Christmas, visiting the elderly at a local convalescent home, participating in food drives to support the York County Church Women's United Emergency Food Closet, cleaning up trash and debris along the Colonial Parkway and York River as a part of "Save the Bay Day," constructing a nature trail behind Saint Joan of Arc Catholic Church, volunteering to help wait tables at the Senior Center of York's annual Christmas dinner-dance the past two years, and helping on his church's "Service Saturday" cleanup projects; and

WHEREAS, in addition to all of these exemplary achievements and time consuming pursuits, Jason has somehow managed to find enough "*spare time*" to put in the hours upon hours of practice at home and school to excel as a talented trumpet player in Grafton High School's Marching, Symphonic, and Jazz Bands, through which he has won recognition the past two years by being named to the All-District Band, and *still* has found time to also play in the Saint Kateri Tekakwitha Catholic Church youth band, and work part-time as a York County youth soccer referee and now for Pro Am Golf; and

WHEREAS, Jason's noteworthy achievements and successes in life are surpassed only by his character, as teachers and others describe him as being "very conscientious," and "very motivated," while also being "very well liked and respected," and "a quiet leader who is very modest;"

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of April, 2003, that Jason Dress be, and he is hereby, commended and congratulated for being selected as York County's 2003 Outstanding Youth of the Year for Overall Achievement.

BE IT FURTHER RESOLVED that Jason be extended the heartfelt appreciation of the Board of Supervisors for his outstanding example and invaluable role model to the youth of our community, and that the Board's best wishes go with him as he continues to use his talents and abilities in service to others.

Resolution R03-67:

A RESOLUTION TO COMMEND AND CONGRATULATE CARLYN
TATROE ON HER SELECTION AS THE 2003 YORK COUNTY OUT-
STANDING YOUTH OF THE YEAR FOR COURAGE

WHEREAS, the York County Youth Commission and the Board of Supervisors established the Outstanding Youth of the Year Awards Program to recognize the accomplishments and achievements of York County's youth; and

WHEREAS, Carlyn Tatroe was nominated and has been chosen by the Selection Committee to receive the 2003 Outstanding Youth of the Year Award for Courage, a quality that Carlyn exemplifies to the utmost, having overcome the isolating disability of deafness on her path of achieving great success as a student and as a person; and

WHEREAS, Carlyn's courage has been well recognized by her teachers and classmates in the county ever since she transferred from the Virginia School for the Deaf and Blind as a seven year old to Grafton-Bethel Elementary School, where, despite undergoing a cochlear implant at the age of eight which her body later rejected, she nevertheless blossomed in her new learning environment, and, by the fifth grade was performing on an equal footing with her hearing peers and fully included in the regular class; and

WHEREAS, as a sixth grader, Carlyn attended Grafton Middle School the year it opened, the only deaf person in a middle school of a thousand students, prompting her nominator and teacher of the hearing impaired, Ms. Ann Mease, to admiringly recall that, "Middle School is a time of transition for all young people, but when you are deaf and in middle school, the courage necessary to persevere is huge. Carlyn overcame the obstacles, the fears, and her discomfort to make her time a successful experience;" and

WHEREAS, Carlyn's relentless pursuit to excel continued throughout her career at Grafton High School, where from day one she set herself towards earning a Standard Diploma like her peers, a goal that was greatly tested during her sophomore year when she missed a tremendous amount of school due to illness, forcing her to drop a class, but with her typical dogged determination, she went to summer school that summer and doubled up on history classes her senior year in order to graduate with her class; and

WHEREAS, Carlyn possesses special interest and talent in computers, computer graphics, and art, and is greatly respected by her art teacher for four classes, Ms. Faye Davis, who appreciatively recalls the many hours Carlyn served as her student aide in eleventh grade, and who glowingly says that Carlyn "never complains about anything," is "absolutely a joy to teach," and that she grows every year in her perception of art and in her ability to thoughtfully express herself through it; and

WHEREAS, though Carlyn and the entire community suffered the painful loss this year of senior Zachary Snaidman to cancer, a courageous young man who inspired many and who was a close personal friend, fellow animal lover, and email buddy of Carlyn's, she nevertheless honored his indomitable spirit with her own bravery, and was a source of quiet strength to others during their mutual grieving; and

WHEREAS, Ms. Barbara West, Carlyn's beloved sign interpreter and companion for all her classes since the eighth grade, admiringly characterizes Carlyn as a "very tenacious young lady" who "works very hard to keep moving on," pushing through the hardships of communications, personal loss, illness, and demanding schoolwork; and

WHEREAS, Carlyn's positive attitude and tireless work ethic have enabled her to maintain a "B" average at Grafton High where she will graduate this June with her class, have won her acceptance to Galluadet University this fall, and have earned the unfailing respect of all, a fact which Ms. Mease attests to in summing up this beautiful and inspiring individual by affirming that, "Carlyn has demonstrated to all of us who know and love her, vast reserves of Courage. She is a hero, and a role model;"

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th

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day of April, 2003, that Carlyn Tatroe be, and she is hereby, congratulated and commended as York County's 2003 Outstanding Youth of the Year for Courage.

BE IT FURTHER RESOLVED, that Carlyn be publicly recognized as a most worthy recipient of the Outstanding Youth Award for Courage, that she be extended the sincere admiration and heartfelt appreciation of the Board of Supervisors for her tremendous inspiration and example to us all, and that the Board's best wishes go with her for a most rewarding and blessed life, and a future filled with continued triumph.

Item No. 7. INDUSTRIAL DEVELOPMENT AUTHORITY BOND REFINANCING: Resolution R03-75:

A RESOLUTION TO AUTHORIZE THE EXECUTION AND DELIVERY OF A MODIFICATION AGREEMENT RELATING TO A \$2,820,000 1999 TAXABLE INDUSTRIAL DEVELOPMENT LEASE REVENUE AND REFUNDING BOND (TRAVAINI PUMPS FACILITY) ISSUED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF YORK COUNTY, VIRGINIA

WHEREAS, the Industrial Development Authority of York County, Virginia (the "Authority"), has issued its \$2,820,000 1999 Taxable Industrial Development Lease Revenue and Refunding Bond (Travaini Pumps Facility) (the "Bond") with respect to a facility currently leased to Travaini Pumps U.S.A., Inc.; and

WHEREAS, the Authority and Bank of America, N.A. (the "Bank"), the holder of the Bond, have agreed to amend certain terms of the Bond, including its interest rate, payment dates and final maturity; and

WHEREAS, it is necessary and appropriate for the Authority and the Bank to enter into a Modification Agreement dated as of the date of its execution and delivery (the "Modification Agreement"), in order to so amend the Bond; and

WHEREAS, the payment of the Bond is secured by a Moral Obligation Agreement (the "Moral Obligation Agreement") among York County, Virginia (the "County"), the Authority and the Bank; and

WHEREAS, it is necessary and appropriate that the Board adopt a resolution approving the amendment of the Bond by the Modification Agreement and the execution of the Modification Agreement by the County to evidence its consent to the provisions thereof and its confirmation of the County's obligations under the Moral Obligation Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF YORK COUNTY, VIRGINIA:

1. The Board authorizes the execution and delivery of the Modification Agreement by the County Administrator in substantially the form presented at this meeting. The Modification Agreement, as presented at this meeting, may contain such changes, insertions or omissions which do not materially adversely affect the interests of the County as may be approved by the County Administrator and the County Attorney, such approval to be evidenced conclusively by the execution and delivery thereof by the County Administrator.

2. The Authority shall be responsible for the payment of any fees, costs or expenses incurred in connection with the modification of the Bond.

3. The provisions of this resolution are hereby declared to be separable, and if any section, phrase or provision of this resolution shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions of this resolution.

3. This resolution shall take effect immediately upon its adoption.

CLOSED MEETING. At 8:56 p.m. Mr. Shepperd moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; and Section 2.2-3711(a)(7) pertaining to consultation with legal counsel on a specific legal matter.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

Meeting Reconvened. At 9:50 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of April, 2003, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

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APPOINTMENT TO THE HISTORIC TRIANGLE BICYCLE ADVISORY COMMITTEE

Mrs. Noll moved the adoption of proposed Resolution R03-73 which reads:

A RESOLUTION TO APPOINT A MEMBER TO THE HISTORIC TRIANGLE BICYCLE ADVISORY COMMITTEE

WHEREAS, Daniel H. Comber's term on the Historic Triangle Bicycle Advisory Committee will expire on April 30, 2003, and Mr. Comber has indicated he does not wish to be reappointed;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of April, 2003, that the following individual be, and is hereby, appointed to serve on the Historic Triangle Bicycle Advisory Committee for a term to begin May 1, 2003, and expire on April 30, 2006:

William Beatovich

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay: (0)

Meeting Adjourned. At 9:52 p.m. Mr. Shepperd moved that the meeting be adjourned sine.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett
Nay: (0)

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors